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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,348	03/26/2004	Michael John Wray	B-5405 621795-6	8240
7590 04/08/2008 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER SANDOVAL, KRISTIN D	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 04/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,348

Applicant(s)

WRAY, MICHAEL JOHN

Examiner

KRISTIN D. SANDOVAL

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 and 10-11 are pending. Claims 9 and 12 are cancelled.

Response to Arguments

2. Applicant's arguments filed December 31, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the limitation of "otherwise selecting one of said first and second security rules..." occurs as a system operation without human interaction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Austel teaches this step as a manual operation by a system administrator who is a human being as opposed to a system operation occurring as a result of the test recited in claim 1. However, Austel states in column 7, lines 17-19, "As system administrator, **computer system A may modify** (e.g. upgrade or downgrade) the secrecy access of a file or program residing on the smart card 120 (emphasis added)". Austel discloses that it is computer system A is the system administrator and not a human being. If the system administrator is a human being, it is still the computer system A doing the modifying *as directed* by a human being, which still reads on the claim language since the branches of the test do not occur automatically and without any interaction whatsoever from anyone or anything else.

However, a human interaction causing a computer to do something would still constitute a system operation since it is the system itself that is actually fulfilling the action.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-12 rejected under 35 U.S.C. 102(e) as being anticipated by Austel et al. (Austel), U.S. Patent No. 6,430,561.

As per claims 1 and 10:

Austel discloses a system comprising a trusted computing platform, one or more logically protected computing environments and a filesystem comprising a plurality of files and links defining access paths between said files, the system being arranged to load onto said trusted computing platform a predetermined security policy including a plurality of security rules in respect of one or more of said logically protected computing environments and/or said files, the system being further arranged to determine that first and second security rules apply to a specified file or set of files, determine the complete set of files (or fileset) to which each of said first and second security rules applies, determine if the fileset of said first security rule is a complete subset of the fileset of said second security rule, and if so, apply said first security rule to said specified file or set of files, and otherwise, select one of said first and second security rules on the basis of another attribute thereof, and apply the selected security rule to said specified file or set of files (6:42-7:25).

As per claims 2 and 11:

Austel further discloses a system wherein said security rules comprise or include a plurality of file rules defining discretionary access controls in respect of one or more of said logically protected computing environments and/or files (10:33-43).

As per claim 3:

Austel further discloses a system wherein said security rules comprise or include a plurality of execution control rules defining a modifying security attributes in respect of one or more of said logically protected computing environments and/or files (11:14-42).

As per claim 4:

Austel further discloses a system wherein in said first and second security rules are file rules, and the fileset to which said first security rule applies is not a complete subset of the fileset to which the second security rules applies, the system is arranged to determine which of the first and second security rules is the most restrictive, and apply that rule to said specified file or set of files (7:45-8:22).

As per claim 5:

Austel further discloses a system wherein if said first and second security rules are execution control rules and the fileset to which said first security rule applies is not a complete subset of the fileset to which said second security rule applies, the system is arranged to select and apply the rule which was most recently added to the security policy (10:10-21).

As per claims 6-8:

Austel further discloses providing a warning or error message indicating to a user that a rule conflict exists where a link exists between files or sets of files and removing the link (9:4-22, 10:59-11:7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN D. SANDOVAL whose telephone number is (571)272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval
Examiner
Art Unit 2132

/K. D. S./
Examiner, Art Unit 2132

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132